

### **REMARKS**

The Office Action dated November 26, 2008 has been carefully considered. A telephonic interview was conducted between the Examiner and this attorney on December 17, 2008 to discuss the remaining rejections. The substance of the interview was faithfully summarized in the Examiner's Office Communication of December 23, 2008, except that the Examiner mischaracterized the relevant figure supporting the invention as Figure 5, when it should have been Fig. 15.

The amendments to the claims contain no new matter. The amendments are supported in various places in the specification, for example, by Figure 15.

#### **35 USC § 112**

Claims 1, 3-36, 39-40 and 42-48 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Examiner called this a NEW MATTER rejection, stating that there was no support for excluding homoserine lactone autoinducer-2 molecules. The rejection is traversed.

During the phone interview of December 17, 2008, it was agreed that the claims are supported by the specification at Example 5. Applicant requests that the rejection be withdrawn.

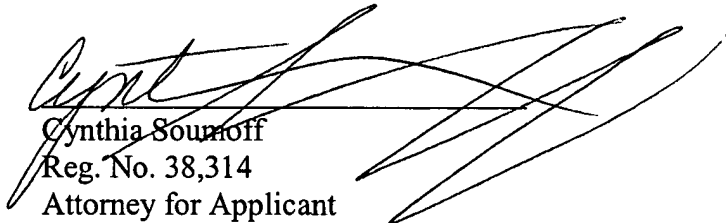
Claims 1, 3-36, 39-40 and 42-48 were rejected under 35 U.S.C. § 112, first paragraph as lacking enablement for the recitation of non-homoserine lactone autoinducer, generally. The claims have now been amended to recite a Markush grouping of non-homoserine lactone autoinducer-2 molecules that are shown in Figure 15 to be formed following action by LuxS. It is believed the claims are patentable.

Since these are the sole issues remaining with regard to patentability, the examiner is invited to call Applicant's legal representative for any other minor issues that may surface, in order that the current case be moved expeditiously toward allowance.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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